

REMARKS

Reconsideration and allowance of the above-identified application in view of the present Amendment are respectfully requested. By this Amendment, claim 1 has been amended for patentability and Claim 4 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner had indicated that Claims 4-14 would be allowable if this was done. Accordingly, Claims 4-14 are now submitted to be allowable.

The amendment of Claim 1 adds an element which is clearly missing from the applied prior references. This specifies that the anvil is mounted for axial movement within a hollow support member between spatially separated latching members. This is similar to the element originally recited in dependent Claim 4. Since it is likely that said element in original Claim 4 was the basis for the allowability of Claim 4, amended Claim 1 should now be allowable.

The rejection of Claims 1-3 under 35 USC 103(a) as being unpatentable over the Pogue, Jr., et al. patent 3,188,729 in view of the Kellogg et al. patent 4,677,840. is respectfully traversed. In his remarks concerning the Pogue reference, the Examiner contends that Pogue "teaches the claimed invention including. . . an anvil member 22/28/32. . . ". Applicant respectfully submits that this is an erroneous characterization of the Pogue reference.

Nowhere in the Pogue patent is there any mention of an anvil such as is claimed by applicant. In fact, there is no need for an anvil because the work itself performs the function of an anvil. The paragraph beginning at column 2, line 3, describes a

junction of sheet metal pieces comprising a side wall 10 having an S fold 12 shaped and joined so as to form a corner interlock, known as the "Pittsburgh lock". This is shown in Fig. 4 of the patent. The hammer is shown in Fig. 3 as being positioned to deliver striking blows in a vertical direction, thus crimping the pieces to the lock shown in Fig. 4. There is no separate anvil element; the vertical sheet metal piece 10 serves as an anvil receiving the blows from the vertically-oriented striking hammer 36.

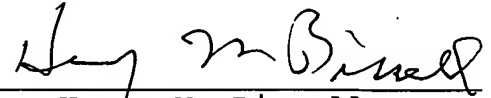
Pogue characterizes the block 22 as serving as "a back-up dolly". However, the function served by this back-up dolly is not equivalent to the anvil recited in applicant's claims.

It is worth noting that the claims of this application, as filed, were identical to the form of the claims which had been allowed in the parent PCT application over the same Pogue patent cited in this case. The reason for the addition of the Kellogg, et al. patent and the rejection of claims over Kellogg combined with Pogue is not clear. From a consideration of the two devices, Pogue and Kellogg, as shown in the drawings and described in the patents, is clear that there is no way that the two devices could be combined to be equivalent to the claimed invention. It will be noted that the Examiner has failed to show how the two might be combined, merely setting out the combination on the bald assertion of obviousness.

Be that as it may, the combinations of the claims now in the application, as amended, are submitted to be clearly allowable. Early and favorable action is solicited.

In view of the above Amendment and these remarks, this application is now submitted to be in condition for allowance. Favorable action is solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Henry M. Bissell", is written over a horizontal line.

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